



CHILDREN'S JUSTICE PROJECT

A Project of the Wyoming Supreme Court

YOUR RIGHTS

A Guide to Juvenile Court in Wyoming
for Children and Youth

2014 Revised



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Message to Youth/Teen:

This guide is to help you understand Juvenile Court and to inform you of your rights. This handbook provides general information about the court process and your rights and is not intended to provide legal advice. If you do not understand what you have read in this guide please ask your attorney.

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**Your Rights: A Guide to Juvenile Court in Wyoming for Children and Youth
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The Court and You

If you are in the Juvenile Court, it is important for you to know how Judges in the Juvenile Court will make decisions about your life and your future. Use this Guide to learn what you need to know. This handbook only applies to cases in Juvenile Court, not Circuit, Municipal, or District Court.

While each case is different, this Guide will give you a road map to the Juvenile Court. You will learn about your rights and responsibilities, what happens in Court, who is there to help you, and what the rules are. Most important, this Guide will tell you when and how to speak up and share your thoughts, your feelings, and your goals with the Judges in Court and with the adults who are assigned to help you.

If you have questions, ASK. Your Department of Family Services (DFS) caseworker/probation officer, Attorney, Guardian *Ad Litem*, CASA and Judge are all there to help you.

Juvenile Court is About YOU. Be Involved. Speak Up.

You Have the Right To:

- Be safe where you are living.
- Be treated with respect and dignity.
- Have your wishes and interests heard and considered.
- Talk to and tell your DFS caseworker/probation officer what you want and need.
- Know what is happening in your juvenile court case.
- Ask to attend court hearings and Multidisciplinary Team (MDT) meetings, unless the Judge does not allow it.
- Ask to speak in court to the Judge.
- Have an attorney or Guardian *Ad Litem* (GAL) represent you (free of charge if you or your parents do not have the ability to pay).
- Know how to contact your attorney or GAL.
- Talk to your attorney or GAL and tell them what you want to have happen.
- If you have an attorney, have your attorney argue for what you want, even if your attorney does not believe that what you want is best for you.
- Receive copies of your case plan.
- Know when court hearings are going to be held.
- Be taken to your court hearings and to your MDTs.
- Be treated by the Court just like any other parent, if you are a teen parent, even if you are in foster care.
- Have contact and visits with your family unless the Judge does not allow it.
- Receive needed social, medical, mental health, and educational services which you need to live a safe and healthy life.
- Express and practice your religious/spiritual beliefs and culture.
- If you are involved in a CHINS or Delinquency Case, talk to your attorney before you talk to anyone else involved in the case about the situation that brought you to court.

It's Your Voice. It's Your Life. It's Your Future.

You Should:

- Tell your Department of Family Services (DFS) caseworker/probation officer, Court Appointed Special Advocate (CASA), attorney, and Guardian *Ad Litem* (GAL) right away if something happens that frightens you.
- Keep your DFS caseworker/probation officer, CASA, attorney, and GAL informed about what is happening in your life—including the good things.
- Tell your DFS caseworker/probation officer, CASA, attorney, and GAL what you want to have happen in your case, and what you want the Judge to know and to do.
- Ask your DFS caseworker/probation officer, CASA, attorney, and GAL for advice when you don't understand what is going on, and when you do not know what to do.
- Actively participate in creating your case plan.
- Follow the case plan tasks that are set out for you and ask questions if you disagree or do not understand.
- Attend court hearings and MDT meetings whenever you can.
- Tell your attorney or GAL if you are involved in a court case in a different court (circuit, municipal, or district). *This handbook only applies to cases in Juvenile Court.*



Department of Family Services, The Juvenile Court and You.

THE BEGINNING—DEPARTMENT OF FAMILY SERVICES



Every year, the Department of Family Services (DFS) receives many referrals from people who are concerned about the safety of children. They also receive referrals from law enforcement, schools, and medical personnel who are concerned about a child's safety or a child getting into trouble. The people who check out these concerns are Department of Family Services (DFS) investigators.

DFS investigates family issues like:

- When children are being hurt or not protected by their parents,
- When children are left alone for a long time or left in unsafe situations (sometimes due to their parent's death or when their parent is in jail or prison),
- When parent(s) do not provide a safe home (sometimes because of serious alcohol, illegal drugs, or mental health issues),
- When parent(s) do not provide critical medical care or will not feed their children,
- When parent(s) will not let their children live with them,
- When children do not follow the rules at home or at school,
- When children do not go to school,
- When children run away from home,
- When children have behavioral, mental, or physical health needs, or
- When children break the law or get in trouble with law enforcement.

Most of the time, the DFS investigator is able to help the family with its issues and keep children safe in their homes, by providing services. But sometimes, law

enforcement or doctors have to remove children from their home to keep them safe.

If a child is removed from his home by law enforcement or a doctor, DFS will find a place for the child to live. For most children, this means foster care. Foster care may be with a relative or a family the child knows, with a foster family, or in a group home. If the reason the child is being removed from his or her home is because he or she is getting in trouble, running away from home, or has broken the law, the child can also be placed in juvenile detention, residential care, or another type of juvenile group home, such as a crisis center. DFS must tell the parents right away that the child is in foster care or other placement, and must return the child to his parents within a few days or get the Juvenile Court involved. If DFS does not return the child back to his or her parents, DFS must ask the Juvenile Court to keep the child in foster care or another placement. They do this by filing a Petition with the Court.

A Petition is a written report to the Court that explains why a child is not safe in the home or needs to be placed in detention, what DFS tried to do to help make things safe, why those things are not enough to keep the child safe at home, and why neither parent can care for the child. The Petition must go to the Judge within a few days of the child being removed from his or her home.

THE MIDDLE—THE JUVENILE COURT

Court hearings are important meetings where everyone comes together to give the Judge information to make decisions about the family. There are different kinds of hearings for different decisions that need to be made. All cases are different, and not all families go through all hearings.

Look at the Flow Chart (page 13) to follow when the court hearings happen.

There are three types of cases in Juvenile Court that you could be involved in: (1) Abuse/Neglect Case, (2) CHINS Case, or (3) Delinquency Case. An Abuse/Neglect Case is brought against the parent(s) because police, a doctor, or DFS believe that they have abused or neglected their child. A CHINS Case, also known as Child In Need of Supervision, is brought against a child because his or her parents or his or her school

believe that they are not following rules, going to school, or are misbehaving. A Delinquency Case is brought against a child because the police believe that a child has broken the law.

If a child is taken into temporary protective custody, or put in detention, the Court must have a Shelter Care Hearing or Detention Hearing within 48 hours. All parents are required to attend this hearing, but some may not come. Sometimes one or both parents cannot be found in time for the hearing. It is called a Shelter Care Hearing if the case is an Abuse/Neglect Case or a CHINS Case, but it is called a Detention Hearing if the case is a Delinquency Case.

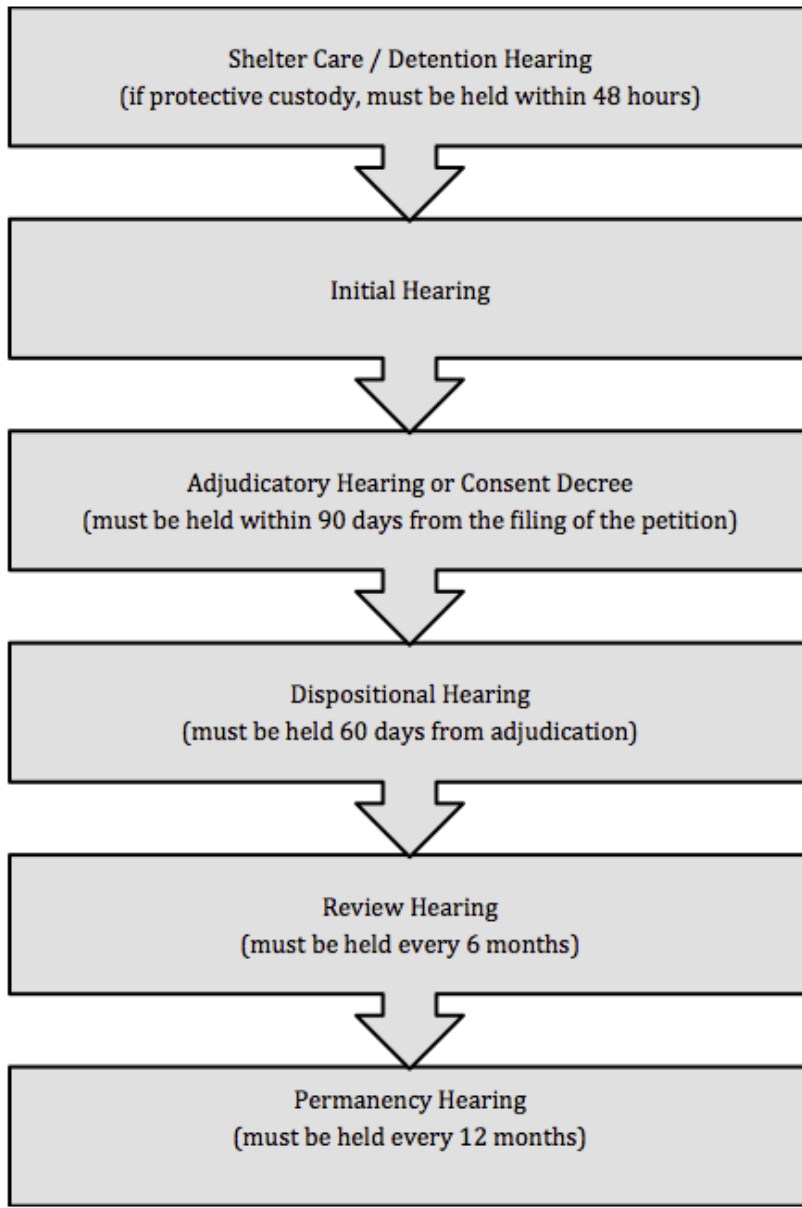
At this first hearing and all hearings following, the Judge will decide if DFS has made “reasonable efforts” to keep the family together and return the child to his or her home. The Judge will also decide if the child needs to be kept in state custody. If the Judge decides this, the child will be made a ward of the state—also known as being in the state’s custody. If the case is an Abuse/Neglect Case, sometimes the child will stay in foster care while the parents work with DFS to make improvements. If the case is a CHINS or Delinquency Case, sometimes the child will stay in out-of-home placement while DFS works with the child to make changes. For children in Delinquency Cases (and some CHINS) this may mean detention. The Judge will continue to watch over what happens to and for the child.

A hearing called an Initial Hearing can also be held a few weeks after a Shelter Care or Detention Hearing. Or, if a Shelter Care/Detention Hearing was not held, an Initial Hearing will be held. At this hearing, the Judge will tell the parents and the child what their rights are and will ask if the parents or child agree with DFS, also called an admission. The Judge will continue to watch over what happens to and for the child.

If the child or the parents do not agree with DFS, then there will be other hearings that happen within the next few months. There will be another hearing so the Judge can decide whether the child needs to be protected (in an Abuse/Neglect Case) or if the child has been breaking rules or laws (in a CHINS or Delinquency Case). This is called an Adjudication.

(continued on Page 15)

Juvenile Court Hearings





At an Adjudication, the Judge hears from the parents or child, DFS, and other people (witnesses) tell their side of the story. It is the Judge's job to listen to everyone and decide what to do. In an Abuse/Neglect Case, if the Judge decides the home is safe, the Judge will tell DFS to take the child back home, or the Judge can decide the parents need help before the child can go back home and be safe.

In a CHINS Case, if the Judge decides the child has not broken his or her parents' rules, has not been truant from school, or does not have serious behavioral issues, then the Judge will close the case and the child can remain with his or her family. If the Judge decides one or more of these things has occurred, then the Judge will order DFS or another probation agency to supervise the child, also known as Probation. The Judge may also order the child to live outside their home for a time, but the Judge cannot place the child in the Wyoming Boys or Girls School.

In a Delinquency Case, if the Judge decides the child has not broken the law, then the case is closed and, if the child was in detention, he or she can go home. If the Judge decides the child has broken the law, the Judge can sanction the child. Some possible sanctions are: counseling, evaluations, community service, detention, jail, and probation.

If the case does not close after the Adjudication Hearing, there will be another hearing called a Dispositional Hearing. At this hearing, the Judge decides if the child should stay living where he or she is, or live somewhere else, or what sanctions are appropriate for the child. Sometimes the Adjudication Hearing and the Dispositional Hearing happen at the same time.

When the Judge makes a decision to keep watch over the child, the child and family will work with DFS, and the Judge will continue to watch over the case. In all three types of cases, everyone comes to court again for a Review Hearing, which takes place every six months. Sometimes the Judge will bring everyone back together sooner to find out what is happening.

At any court hearing, the **Judge** can return the **child** home if it is safe.

Review Hearings are a special time when the Judge can hear directly from you; how you are doing, if everything is okay, and what you think should happen. If you cannot go to a hearing, make sure to tell your attorney, GAL, and CASA what you want the Judge to know. You can also write a letter or note to the Judge.

THE ENDING—OPTIONS AND GOALS FOR LEAVING JUVENILE COURT

DFS has about one year to work with the parents and the child before the next big decision must be made. After a year, there will be a Permanency Hearing. At this hearing the Judge again listens to the parents, child, DFS, and others talk about what everyone is doing to improve the safety of the family. The decision as to what to do next is often very hard to make so the Judge will require DFS to suggest a plan. This plan often comes from the Multidisciplinary Team (MDT) Meetings. *(This is explained further in the next section.)*

The Permanency Hearing is another good time to make sure that your voice is heard. If you want to attend this hearing, ask. And be sure to speak with your DFS worker, attorney, GAL, and CASA before the hearing to make sure your thoughts and wishes about your future are shared with the Judge.

The Judge will decide how soon the child can go back home and how soon the Juvenile Court case can be closed, which will depend on how well the parents and child are doing with the concerns. If the Judge decides it is not safe for the child to go back home, the Judge will tell DFS to find another permanent home for the child. This could be living with relatives or friends permanently, or being adopted by another family.

Depending on the decision of the Judge, other court cases may be needed. If the Judge decides a child should be adopted by another family, there must be a court hearing first to decide whether the parents will no longer be able to make decisions about the child. This is called a Termination of Parental Rights (TPR) Case. If the Judge does end the parents' rights, it is DFS's job to make sure that the child finds a good, forever, adoptive family.

There are many steps to a child being adopted; however, the final step is the Adoption Case, where a Judge decides that the child will be placed with the adoptive family forever. If the child is age 14 or older, his or her consent, or agreement, to the adoption is required. If an adoption is approved, the Judge and DFS are no longer involved with the child and the child's new adoptive family.

If you are age 14 and older, the Judge will ask you whether you agree or do not agree to be adopted by your adoptive family. Be sure and tell the Judge and others in your case whether or not you agree.

Sometimes, adoption is not the best plan for a child. In that case, the Judge may decide that a child should permanently live with a relative, a family friend, or the child's foster family until the child is at least 18 years old. This requires another case called a Guardianship. If the Judge agrees to a guardianship, the family the child is living with will make all the decisions for the child even though the rights of the child's birth parents have not ended. If everyone agrees, the child could continue to have contact with the birth parents and other family members even after the guardianship is approved. Contact with the birth parents and other family members may be sharing letters, pictures, or visits.

When the child cannot go back home, and adoption or guardianship are not options, the child might stay in foster care until he or she is at least 18 years old. In this case, the Judge may agree to a case plan called Alternative Planned Permanent Living Arrangement (APPLA). APPLA is where the child continues to go to school, and get services to help learn what he or she needs to know about being an adult (called independent living services and planning), before leaving foster care. If this plan is approved, the Judge continues to review the case and monitor the well-being of the child at the Review Hearings.

By law, a child becomes an adult when he or she reaches the age of 18. However, review Hearings continue throughout the time a child is in foster care, and services can be given until a child is age 21 (in abuse/neglect and delinquency proceedings only), if necessary. After a child is safe at home, in an adoptive home, in a Guardian's home, the Juvenile Court Case is closed and no more court hearings are held (some cases are open until age 21). CHINS cases end at age 18 no matter what.



Multidisciplinary Team (MDT) Meetings

After the case begins in Juvenile Court, the Judge will order that a Multidisciplinary Team (MDT) be created for the family and meet to discuss case goals and plans. If the child is not in the home, the MDT must meet at least every three months. A report will be prepared from this meeting and will be presented to the Court before the next court hearing.

By law, the team must include the parents, someone from the child's school district, DFS, the child's counselor or mental health professional, the district/county attorney, the child's attorney or GAL, the CASA, and the foster parent. The team can also include the child, a relative, and other professionals involved with the family.

The purpose of the MDT is for key people to meet and discuss recommendations for the Court as to what should be done to address the current issues in the family's life. The family's overall case plan or the child's probation will be discussed. The probation or case plan should be updated and adjusted throughout the life of the case to adjust for current needs and issues. If any new terms and conditions are needed they will be recommended to the court. Topics can also include whether the child should be removed from their parents' home or returned to the home if previously removed.

Sometimes not all MDT members will agree as to what should be done in a case. The purpose is to allow everyone to discuss recommendations and report them to the Court. In the circumstances where everyone does not agree, the report will reflect who agrees with which recommendation and who does not. Every person the Court has said must be at an MDT will get to explain their concerns to the Court at the next hearing. The Court will decide to agree or disagree with the MDT's recommendations at the next court hearing, and sign an order that explains what the Court decided on.

Frequently Asked Questions

WHEN CAN I GO HOME?

At any of the court hearings, the Judge can allow you to go home if your parents have done what they need to do to provide you a safe home (Abuse/Neglect Case) or if you have done what the Judge has ordered you to do (CHINS or Delinquency Case). Many children leave out-of-home placement within a few months. If you are in an abuse/neglect case and in foster care for one year, the Judge will decide at a Permanency Hearing whether returning you to your parents' home is likely to happen. Even if the Judge decides that returning home is still a good plan for you, going home may not happen right away. You or your parents may still need to do some things that the Judge has required. The Judge will review your case at least every six months to make sure everyone is doing what they need to do to get you home.

WHAT HAPPENS IF I CANNOT GO HOME?

If the Judge decides at a Permanency Hearing that you cannot safely return home to your parents, then you will continue living in out-of-home care until there is another plan for you that will give you a safe home. The Judge is responsible to make sure this happens. The plan could be: Adoption, Guardianship, or Another Planned Permanent Living Arrangement (staying in foster care until you are 18 years of age or older.)



WILL I HAVE AN ADULT WHO WILL HELP ME IN COURT?

Yes. You have the right to either an attorney or Guardian *Ad Litem* (GAL), depending on the case. You may have both. Also, you will have a DFS caseworker and maybe a Court Appointed Special Advocate (CASA).

WHAT DO ATTORNEYS DO?

“Attorneys” or “Lawyers” are specially trained people who give advice and represent clients, such as parents and children in juvenile court. The attorney’s job is always to tell the Judge what his or her client wants and why the Judge should agree with his or her client. Lawyer is another name for an attorney. We have used the term “attorney” throughout this Guide. *An attorney is different than a GAL, if you have a GAL, see page 21.*

IF I HAVE AN ATTORNEY, WHAT WILL THE ATTORNEY DO FOR ME?

If the court appoints an attorney for you, that attorney will “represent” you just the same as all the other attorneys represent their clients. In Wyoming, your attorney will likely be a Public Defender from the Wyoming Public Defenders Office. Your attorney will tell the Judge what you want to have happen with regard to such issues as: “Can I go home?” “When can I go home?” “Where do I want to live until I can go home?” “How often do I want to see my parents, sisters and brothers?” and “What kind of help do I need to deal with what is going on in my life?” Your attorney will give the Judge all the reasons why the Judge should agree with you. Your attorney may give the Judge written information, or may ask other people (witnesses) to tell the Judge their opinions, to help the Judge decide. Your attorney may ask the Judge to listen to what you have to say. Your attorney will explain the entire court process to you, tell you when hearings are set, what could happen at the hearing, and answer any questions you may have about what is going on in your case. Your attorney will work to make sure that you get what you need to be safe and healthy.

If you are involved in a CHINS or Delinquency Case, you have the right to an attorney (a public defender) and should ask the Judge for an attorney at the first hearing and before you admit to anything.

IF I HAVE A GUARDIAN *AD LITEM* (GAL), WHAT WILL MY GUARDIAN *AD LITEM* DO FOR ME?

A GAL's job is to tell the Judge what the GAL believes is best for you. To do that, the GAL will meet with you to understand your needs. The GAL will look at your family's case history and also do his or her own investigation to help decide what would be best for you. Your GAL will work to make sure you get what you need to be safe and healthy while you are in out-of-home placement. Your GAL should also tell the court if you disagree with the GAL's recommendations.

WILL I HAVE BOTH AN ATTORNEY AND A GUARDIAN *AD LITEM* (GAL)?

No, not always. In an Abuse/Neglect Case, you will have a GAL. In a CHINS or Delinquency Case, you will have an attorney (usually through the Public Defender's Office) and the Judge may also appoint you a GAL. The Judge will decide if you need both an attorney and GAL.



WHO ARE CASA'S AND WHAT DOES A CASA DO?

Court Appointed Special Advocates (CASAs) are volunteers who are specially trained to "advocate" (look out) for you and everything you need to be safe and healthy. Not all children have a CASA. If a judge appoints a CASA for you, your CASA will meet with you often and spend time getting to know you. Your CASA will look at all the case history, do his/her own investigation of your needs, attend all meetings and your court hearings, and write a report before each court hearing. The Judge will listen very carefully to the CASA's opinions and recommendations. *Not all counties have CASA programs.*

WHO ELSE WILL HAVE AN ATTORNEY IN MY CASE?

An attorney may be appointed by the Judge to represent your mother and your father in an Abuse/Neglect Case, or your parents may hire their own attorney. Your parents may also have an attorney in a CHINS or Delinquency Case.

WHEN AND HOW OFTEN SHOULD I SPEAK WITH MY ATTORNEY OR GAL?

Your attorney or your GAL should contact you as soon as they are told by the Judge that you are his or her client. That will be before the first hearing (the Shelter Care, Detention, or Initial Hearing). The attorney or GAL will explain to you what the case means and the court process. Your attorney and/or GAL will ask you what you want to have happen and what you want the Judge to know. Your attorney and/or GAL will also explain his or her own job, what is confidential (private among the people involved in the case) about the hearing, and what is privileged (private between you and your attorney). Your attorney and/or your GAL will tell you how you can contact them. You should be sure the name and phone number of your attorney and GAL are written down for you.

Your attorney and/or GAL should contact you before and after every hearing. It is your attorney and/or GAL's job to let you know when a hearing is coming up, and what could happen at that hearing. Your attorney and/or GAL will ask you what you want the Judge to know at the hearing and what you want to have happen. You may contact (call on the phone, text, email, or write) your attorney and/or GAL whenever you want. You should contact your attorney and/or GAL whenever something major is bothering you, or you do not understand something important that has happened.

WHAT IS A CASE PLAN?

The case plan is a written document that explains the issues in the family (the reasons for court involvement), what is needed to help fix those issues, what each person must do to fix the issues, and when those things should be done. The case plan is written by the DFS caseworker working with your parents, you, the attorneys, GALs, the CASA, and other people working with you and your family. The case plan is given to the Judge. You, your parents, and DFS need to follow it.

WHAT IS A PERMANENCY PLAN?

The permanency plan is the final goal for you and your family - what everyone wants (including you) to happen for you by the time the case is closed. It may be putting your family back together with one or both parents (called 'reunification'), or it may be guardianship, adoption, or another planned permanent living arrangement.

WHAT IS A CONCURRENT PLAN?

Concurrent planning (alternative planning) is a process that works towards providing you the security of a permanent home in a time frame that is beneficial to your physical, social, and emotional development. DFS will work with you and your parents in setting case plan goals to get you back home. At the same time, a concurrent plan will be made in case you or your parents do not complete the case plan goals.

WHEN CAN I GO TO MY OWN COURT HEARINGS?

Ask your attorney or GAL if you can go to the hearings. Many Judges will allow you to attend hearings whenever you want to. Other Judges require you to get their permission first. Most Judges will ask you to leave a hearing if they believe something will happen in court that will upset you. You must attend hearings in CHINS and Delinquency Cases.



SHOULD I GO TO COURT OR TO SCHOOL?

This may not be an easy decision for you. Going to school is important to keep your grades up. On the other hand, you may feel that you are the only person who can tell the Judge what you want him or her to know - and you will always want to know what is going on in your case. It is a good idea to discuss each upcoming hearing with your attorney and/or GAL. If you are involved in a CHINS or delinquency case, you must attend the court hearings.

WHAT DO I NEED TO DO TO PREPARE FOR COURT?

You do not need to do anything special to prepare to go to court. However, it may be a good idea to plan what you want to say to the Judge - maybe even write some notes. If you are worried about remembering what you want to say to the Judge, you may want to write a letter that you, your attorney, or your GAL can read to the Judge in Court.

WHAT SHOULD I WEAR?

Appropriate clothes for court would be the same clothes you would wear for any important occasion where you want to make a good impression. *What not to wear: shorts, hats, bare midriffs, flip flops, or clothes with inappropriate words or symbols.*

HOW DO I GET TO COURT?

Depending on your living arrangement, your parent, foster parent, group home staff, or your DFS worker will take you to court. Make sure they know you want to go to court well before the hearing. If you have any problem arranging a ride to court, talk with your attorney or GAL. If you are placed out of your home town, you can also appear in court by video.



HOW SHOULD I ACT IN COURT?

You should be respectful to everyone in court. Do not chew gum. Sit up straight. Listen to what is being said and don't interrupt. You will be allowed to talk when it is your turn. Treat everyone else just as you would want to be treated.

WHEN CAN I, OR SHOULD I, SPEAK DIRECTLY TO THE JUDGE? HOW DO I ADDRESS THE JUDGE?

You should speak to the Judge when the Judge speaks to you. The Judge will usually ask you directly if there is anything you want to say, or anything you want the Judge to know. Do not interrupt when the Judge is talking. You call the Judge "Your Honor" or "Sir" or "Ma'am".

WILL I EVER BE ABLE TO SPEAK TO THE JUDGE ALONE?

The Judge will not speak with you - or any other person in your case - alone. That is called “ex parte” communication, and is not allowed. The Judge may arrange to talk to you with only the attorneys (including your GAL) and a court reporter present or, with the agreement of the attorneys, with only a court reporter- but that would be very unusual.

WHAT IS THE DIFFERENCE BETWEEN “CONFIDENTIAL” AND “PRIVILEGED” INFORMATION? “Confidential” means that the court, parties, attorneys, DFS, etc. may not reveal information about the people or the case to others. Violation of confidentiality may be considered a crime. Your DFS file and court records are confidential by law. “Privilege” means that your attorney cannot tell anyone about what you told your attorney unless you say it is okay. There are certain limited exceptions to privilege, such as the need to prevent a crime or report child abuse. Not following these rules of “privilege” could mean serious trouble for an attorney.

WHAT INFORMATION ABOUT MY CASE CAN I SHARE WITH MY FRIENDS?

Once you tell your friends something, they may tell others. Remember that some information about other people in your case is confidential, so before you talk about your family situation, you should ask your attorney or GAL if it is okay. As with any personal information, be careful what you share and who you share it with.

WHAT SHOULD I DO IF SOMEONE ELSE TELLS OTHER PEOPLE ABOUT MY CASE?

If you are upset because you believe that someone has shared “confidential” information about your case, contact your attorney or GAL and discuss what happened and work together to fix the problem.

WHAT SHOULD I EXPECT OTHERS TO TELL ME ABOUT UPCOMING COURT HEARINGS?

Your attorney, GAL, and CASA should talk to you about court hearings - about when the hearings will occur and what happens at each of them. Your DFS caseworker should also talk to you about the court hearings. They should each be asking you about how you are doing and what you want to have happen so that they can give the Judge that information.

CAN ANYONE COME TO A JUVENILE COURT HEARING WHO WANTS TO?

Only if the Judge decides they can. When the Judge lets other people come into a hearing, the Judge tells them they cannot talk about any personal information they learn in the hearing. That means they cannot go outside the hearing and talk about who the hearing was about or anything about the case. You, your parents and DFS can request through each of your attorneys or GAL that the Judge not allow other outside people to attend and the Judge will decide what to do. Juvenile cases are “confidential” which means people cannot talk about what is going on in Juvenile Court cases to other people who are not already a part of the case.

WHAT CAN I DO IF I DO NOT AGREE WITH THE JUDGE’S DECISIONS?

If you do not like a Judge’s decision, talk to your attorney or GAL immediately. You may disagree with a decision the Judge makes, such as a decision to put you in state custody, about where you live or the help and services you get, or how often you can see or talk to your parents or your brothers and sisters. Your attorney or GAL can ask the Judge to “reconsider” the decision, and may be able to give the Judge additional information to change the Judge’s mind. Sometimes your attorney or GAL will tell you that the decision is not likely to change even though you disagree with it. You still have the right to tell your attorney or GAL to ask the Judge to review the decision again. If you still disagree with the Judge, certain decisions can be “appealed” to a higher court.

HOW DOES AN “APPEAL” WORK AND HOW LONG DOES IT TAKE FOR AN APPEAL?

You have the right to “appeal” certain decisions, such as the decision to put you in state custody or to dismiss the case, and decisions about where you will live. Appeal means to ask the “higher” court (the Wyoming Supreme Court) to make a different decision. The appeal must be done quickly but a decision by the Wyoming Supreme Court can take a long time – perhaps six months or more – before a final decision is made. In order to win an appeal, you must show that the decision was legally wrong, not just that you disagree or do not like it. If you decide to appeal a decision, the Judge’s decision in Juvenile Court will still be effective until, and only if, the Wyoming Supreme Court changes it.

WHAT CAN I DO IF I BELIEVE THE PLACE WHERE I AM LIVING OR WHERE I AM BEING SENT IS NOT SAFE FOR ME?

You should always tell your attorney, GAL, your CASA, and/or DFS caseworker as soon as you can when something frightens you or makes you feel unsafe. DFS must investigate the situation and decide whether they must act to protect you, asking the Judge to move you to a different placement, or asking the Judge to order DFS to do what is necessary to make the placement you are in safe.

I THINK I MAY BE NATIVE AMERICAN. SHOULD I TELL SOMEONE?

Yes. Your DFS caseworker may have already asked you. But if not, you should tell your case manager, your attorney, GAL, or CASA right away, because it may give you certain benefits, and the rules for your case are different.

WHEN CAN I GET SENT TO DETENTION?

You can only be put into detention if you are accused of having committed a crime (a delinquent act). You can also be placed into detention if you do not follow the Judge's orders or your probation case plan.

WHAT DO I DO IF MY ATTORNEY OR GAL DOES NOT MEET WITH ME?

If it's your attorney (Public Defender), you can tell your judge at a hearing or call the Office of the Public Defender at 307-777-7519. If it's your GAL, you can tell your judge at a hearing or call the Wyoming Guardians *Ad Litem* Program at 307-777-7480. They train, pay, and supervise all GALs in Wyoming that represent kids in Juvenile Court. They also have a complaint process that you can go through to let the Program know if you have an issue with your GAL. You can find this policy and form (and other information about the Program) online at gal.wyo.gov.







Glossary of Terms

ABUSE/NEGLECT CASE: A case in Juvenile Court brought against the parent(s) or guardian of a child, saying or alleging that the parent has hurt or neglected the child.

ADJUDICATION HEARING: Is a hearing to decide whether the child has been abused or neglected, or if the child will be determined to be a child in need of supervision or delinquent. The hearing must be completed within ninety days after the Petition is filed.

ADOPTION CASE: The court gives the rights, responsibilities, and legal relationship of a child to a new parent(s) in an adoption case. Adoption can only occur if the birth parents agree to the adoption, if their legal rights have been terminated by the court, or they have passed away. If you are 14 years or older, the judge will ask you if you agree to be adopted.

ADMISSION: Means telling the Court that you agree with what the state or law enforcement says you did. It is just like pleading guilty in a criminal case. You should talk to your attorney or GAL before you admit to something in CHINS or Delinquency cases. Also, your parents can admit to the allegations against them in an Abuse/Neglect Case. Someone who admits gives up his or her right to a trial, right to a jury, right to confront witnesses, etc.

ALTERNATIVE PERMANENT PLANNED LIVING ARRANGEMENT: Is a permanent case plan that does not involve adoption or guardianship, but should include at least one adult playing a permanent and important role in the child's life. This includes "independent living." Also known as APPLA or OPPLA. This usually means the child will stay in foster care until they turn 18 and will not go home, be adopted, or have guardians.

APPEAL: Is the legal process by which a "party" (which can be the child) asks a higher court (the Wyoming Supreme Court) to review a decision of the juvenile court judge about ordering or dismissing a case, where the child lives, and other issues. If a party disagrees with the Judge's decision, they must file an appeal within 30 days of the date the decision was made.

ATTORNEY: Is an individual licensed to practice law by the State of Wyoming. Also known as a lawyer.

CASA: Court Appointed Special Advocate is a volunteer that gets to know you and your family and makes recommendations to the Court about your best interests.

CASE PLAN: Is a written report that tells about the issues in the family, what is needed to help fix those issues, what each person must do to fix the issues, and when those things should be done. Also known as a Family Services Plan.

CHILD: Is a person under the age of 18 years.

CHINS CASE: Stands for Child In Need of Supervision. A case in Juvenile Court brought against a child for truancy, behavioral issues, or not following their parents' rules.

CONFIDENTIAL: Not available to the public, secret.

CONSENT: Agreement.

DELINQUENCY CASE: A Juvenile Court case against a child for breaking the law is a delinquency case.

DEPARTMENT OF FAMILY SERVICES (DFS): The state agency assigned by Wyoming law to protect children. DFS has the legal authority to investigate reports of family issues including children being hurt by their parents, children not being protected by their parents, children being left alone in unsafe situations, or when parents do not provide a safe home, do not provide critical medical care or neglect to properly feed, shelter or care for their basic needs. DFS cannot remove children from their home, only law enforcement or medical personnel can.

DEPARTMENT OF FAMILY SERVICES (DFS) CASEWORKER: A caseworker is a specially trained person who works for DFS. The DFS caseworker may be responsible for investigating issues that are reported about a family situation; may be responsible for getting services to help a family resolve its issues; or may be responsible for supervising a child on probation. The caseworker will check on children in foster care and the other family members to see how everyone is doing, and write a report to the court about the progress the child and family are making before each hearing.

DELINQUENT CHILD: A person under age 18 who is under the supervision of the court for the commission of an offense that would be a crime if committed by an adult, such as stealing, destroying property, or using illegal drugs.

DETENTION: A locked facility which houses children accused of delinquent acts.

DETENTION HEARING: Is similar to a Shelter Care Hearing, where the Judge decides if the child should be held in detention. These are held in Delinquency Cases and sometimes in CHINS Cases, when a child is held in detention when protective custody is taken. These are not held in Abuse/Neglect Cases.

DISPOSITIONAL HEARING: Is a hearing to decide where a child will live; what services will be given to the family and the child; or what sanctions will be given to a child in a CHINS or Delinquency case.

DISTRICT/COUNTY ATTORNEY: An attorney that represents the State of Wyoming who files and prosecutes a case in Juvenile Court.

GUARDIAN: An adult who is ordered by the Judge to take care of a child.

FOSTER CARE: Is any placement for a child which is not in the home of a parent or legal guardian. This may include a licensed foster home, group home or residential setting, a court ordered placement with a friend or relative, and an independent living setting.

GUARDIAN *AD LITEM* (GAL): Is an attorney appointed by the court to protect the child's best interest (and sometimes what the child wants at the same time, called hybrid representation).

GUARDIANSHIP: Is the temporary substitution of legal (parental) responsibility for a

child by someone other than a parent. Usually, guardianship is with a relative or a friend who already has a relationship with the child.

INDEPENDENT LIVING: Includes a case plan for youth who expect to remain in foster care until they reach age 18. Special services and skills training are provided so that youth can learn how to successfully live on their own.

INDIAN CHILD: An unmarried person under the age of 18 who is either a member of a recognized Indian tribe or who is eligible for membership is called an Indian Child.

INITIAL HEARING: Is the hearing which is held after a Petition is filed. At the Initial Hearing, the parents and/or child will be advised of their rights and asked whether they admit to the allegations in the Petition.

JUDGE: Makes decisions about questions that are brought to court, based on the law and the information that is given to him or her.

JUVENILE COURT: Is a special court that oversees the cases of abused, neglected, and abandoned children who need protection; children in need of supervision; and delinquent children.

MULTIDISCIPLINARY TEAM (MDT) MEETING: Is a group ordered to meet by the Judge with the purpose of discussing recommendations for the Court as to what should be done to address the current issues in the family and child's life.

NEGLECT: Is the failure or refusal of a parent or guardian to provide for the care, maintenance, supervision, education, or medical needs of a child.

ORDER: Is a document signed by the Judge requiring a person to do something or not do something.

PARTIES: The people who are part of a court case are called parties. Examples include: the district/county attorney, the parents, the child.

PERMANENCY HEARING: Must be held 1 year after the removal of any child from the home. At this hearing, the Court will decide what the best permanent plan is for the child. The Judge may decide that termination of the parents' rights and adoption, or guardianship, or continuing to work toward reunification with the family is the best plan.

PERMANENCY PLAN: The permanency plan is the final goal for the child and family -what everyone wants, including the youth, to happen for the children by the time the case is closed.

PETITION: A written legal document (pleading) which gives the facts on why a child is abused or neglected, or the allegations made that make him or her a child in need of supervision or a delinquent child. The Petition asks the Juvenile Court Judge to protect the child from neglect, abuse, or abandonment by taking legal custody of the child; or to supervise the child under a CHINS case or Delinquency Case.

PLEADING: A formal written document filed with the court which asks the court to do something.

PRIVILEGED: Privileged means private. Communications between you and your attorney are privileged. You have the right to refuse to share such conversations.

PROBATION: Is a sanction in a CHINS or Delinquency Case. The Court requires you to do or not do things and report to a Probation Officer, for a period of time.

PROBATION OFFICER: A caseworker that supervises a child in a CHINS or Delinquency case, and sets rules and guidelines for that child.

PUBLIC DEFENDER: An attorney employed by the Wyoming State Public Defender's Office and represents youth in CHINS and Delinquency cases when appointed by the Court.

REVIEW HEARING: At least every six months from the removal of a child from the home, the court will hold a Review Hearing to look at the progress of the case. At a review hearing, the Judge may order that the child remain in foster care, or return home, or be placed somewhere else.

SANCTION: Penalties or requirements the Judge will order a child to do or not do after adjudication in a CHINS or Delinquency case (for example: community service, probation, detention, etc.).

SHELTER CARE HEARING: Is the first hearing in Juvenile Court, but only held if the child was taken into Temporary Protective Custody. It must be held within 48 hours of the child's removal from the home (not including weekends and holidays).

STATE CUSTODY: Is a name for a child who is under the special protection of the Wyoming Juvenile Courts due to abuse, neglect, or abandonment. When a child is in state custody the Judge will decide who has legal responsibility for the child, which means deciding where the child will live, go to school, etc. A delinquent or child in need of supervision may also be in state custody. You can be in state custody even if you live at home.

STATUS OFFENSE: Is an action that is against the law for a child, but not an adult. For example: truancy, running away from home, drinking alcohol, etc.

TEMPORARY PROTECTIVE CUSTODY: Where law enforcement or medical personnel remove a child from their parents'/guardians' home if the child is in serious danger.

TERMINATION OF PARENTAL RIGHTS: When the court ends the parent's rights, responsibilities, and legal relationship to a child.

TRUANCY: Excessive absences from school without a good reason.

Contact Information In My Case

DFS CASEWORKER or
PROBATION OFFICER:

Name _____
Phone Number _____
Email address _____
Address _____

DFS SUPERVISOR:

Name _____
Phone Number _____
Email address _____
Address _____

ATTORNEY:

Name _____
Phone Number _____
Email address _____
Address _____

GUARDIAN *AD LITEM*:

Name _____
Phone Number _____
Email address _____
Address _____

CASA:

Name _____
Phone Number _____
Email address _____
Address _____

JUDGE'S NAME: _____

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Wyoming Guardians *Ad Litem* Program: 316 West 22nd Street
Rogers Building,
Cheyenne, WY 82002
307-777-7480
<http://gal.wyo.gov/>

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Children's Justice Project
Wyoming Supreme Court
2301 Capitol Avenue
Cheyenne, Wyoming 82002

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